

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID BALLARD,	:	CIVIL ACTION NO. 1:04-CV-0720
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
DAVID IMMEL, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 14th day of August, 2006, upon consideration of defendants' motion in limine (Doc. 84) to preclude plaintiff from presenting evidence or argument relating to punitive damages on his Eighth Amendment claim brought pursuant to 42 U.S.C. § 1983, averring that plaintiff did not set forth sufficient facts to establish entitlement to punitive damages in his response (Doc. 82)¹ to the order of court dated April 24, 2006 (Doc. 80), which directed plaintiff to provide the name and address of each witness and a detailed statement of the facts to which the witness would testify (see Doc. 80 ¶ 3),² and it appearing that plaintiff identified only defendants as his witnesses (see Doc. 82), and that plaintiff indicated that his statement of facts regarding defendants may be incomplete (see Doc. 82), and the

¹ Although presented as a motion in limine, the instant motion essentially seeks summary judgment on plaintiff's claim for punitive damages by contending that plaintiff has insufficient evidence for such a claim. However, the deadline for dispositive motions was May 25, 2005. (See Doc. 62.)

² The court notes that it required a detailed statement of facts to ensure that each witness would offer relevant testimony, not to foreclose any of plaintiff's claims.

court finding that it cannot discern whether plaintiff will be able to establish entitlement to punitive damages at trial, it is hereby ORDERED that the motion in limine (Doc. 84) to preclude plaintiff from presenting evidence or argument relating to punitive damages is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge